



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 5, 1998

Mr. Stephen R. Lupton  
District Attorney  
51<sup>st</sup> Judicial District of Texas  
124 W. Beauregard  
Tom Green County Court Street Annex  
San Angelo, Texas 76903-5850

OR98-0013

Dear Mr. Lupton:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111402.

The San Angelo Police Department (the "department") as well as the Tom Green County District Attorney's Office (the "district attorney") received a request for a probable cause affidavit, a search warrant and a written and signed victim statement, all relating to a pending criminal prosecution. You state that you do not object to the release of the probable cause affidavit and search warrant, but assert that the written and signed victim statement is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.

As amended, Section 552.108, the "law enforcement exception," provides in part:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You state that the written statement relates to a felony district court case styled *State of Texas v. Christopher Todd Walthal*, Cause No. A-97-0652-S pending in Tom Green County, Texas. As the requested information relates to a pending criminal prosecution, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime and thus, it is excepted from disclosure under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Michael A. Pearle".

Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 111402

Enclosures: Submitted documents